

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK H. SHULL, JR.,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
WILLIAM D. KEPHART, DISTRICT  
JUDGE,  
Respondents,  
and  
THE ROSEMAN CONTRACT, VIA  
ROSEMAN UNIVERSITY,  
Real Party in Interest.

No. 78432

**FILED**

APR 18 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

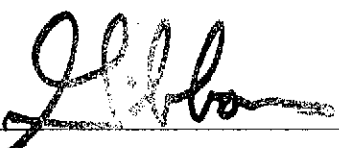
*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

This original, pro se petition for a writ of mandamus or prohibition challenges the district court's dismissal, purportedly without prejudice, of petitioner's complaint for declaratory relief in a contract and First Amendment matter.


Having considered the petition, we deny relief. Writs of mandamus and prohibition are available only when there is no plain, adequate, and speedy legal remedy. See NRS 34.170; NRS 34.330. Here, petitioner can appeal from an adverse final judgment of the district court, which constitutes an adequate legal remedy. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”); see NRAP 3A(b)(1); *Bergenfield v. BAC Home Loans Servicing*, 131 Nev. 683, 354 P.3d 1282 (2015) (explaining the options when a district court dismisses with

leave to amend). Moreover, it is petitioner's burden to demonstrate that writ relief is warranted, and here, petitioner failed to submit any parts of the record for our review and failed to include a certificate of service of the petition on respondents and real party in interest. NRAP 21(a)(1) and (4); *Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we decline to intervene, and we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. William D. Kephart, District Judge  
Frederick H. Shull, Jr.  
Eighth District Court Clerk